IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 272 OF 2007.

Smt.Neela Dnyanmdeo Shinde & ors. ... Appellants.
Versus.
Santosh Dnyandeo Shinde & others. ... Respondents.

Shri U.B.Nighot for the Appellants.
Shri V.G.Mujumdar for the Respondents Nos.1 & 3.

CORAM : ABHAY S.OKA, J.

DATED : 4th December, 2007.

P.C.:

1. An Appeal was preferred before the District Court for challenging the order dated 20th September 2004 passed by the learned Civil Judge, Senior Division, granting succession certificate under section 372 of the Indian Succession Act, 1925. The Appeal to the District Court is provided under the proviso to sub-section (2) of section 388 of the said Act of 1925. Sub-section (3) of the said section provides that an order of the District Judge on an Appeal from Order of any inferior Court shall be final subject to the provision as to reference or revision by the High Court. Therefore, the Second Appeal is not maintainable. The Second Appeal is dismissed only on that ground. It will be open for the Appellant to adopt appropriate remedy for challenging the impugned order. All contentions of the parties on merits are kept open.

Judge.